PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
	)	GAU: 1644
Schneck and Oelke	)	
	)	Examiner: M. DIBRINO
Serial No.: 10/618,267	)	
	)	Docket No. 001107.00355
Filed: July 14, 2003	)	

For: REAGENTS AND METHODS FOR ENGAGING UNIQUE CLONOTYPIC LYMPHOCYTE RECEPTORS

RESPONSE TO RESTRICTION REQUIREMENT

U.S. Patent and Trademark Office
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

This paper responds to the Restriction Requirement mailed May 4, 2006. Charge the fee for a two-month extension of time and any other fee which may be due to our Deposit Account No. 19-0733.

Applicants elect Group I, claims 4-41 and 46-65, with traverse. Applicants also elect, with traverse:

- the solid support species of **a bead**;
- the T lymphocyte affecting molecule of **an antibody which specifically binds to CD28**; and
- the antigen presenting molecule species recited in claim 7 (an antigen presenting complex which is **an MHC class I molecular complex comprising at least two fusion proteins, wherein a first fusion protein comprises a first MHC class I α chain and a first immunoglobulin**

heavy chain and wherein a second fusion protein comprises a second MHC class I α chain and a second immunoglobulin heavy chain, wherein the first and second immunoglobulin heavy chains associate to form the MHC class I molecular complex, wherein the MHC class I molecular complex comprises a first MHC class I peptide binding cleft and a second MHC class I peptide binding cleft).

Claims 1-7, 12-19, 23, 24, 41, 46-59, and 64 read on these species.

The M.P.E.P. sets forth two criteria that must be met to make a proper restriction requirement. First, as stated in 35 U.S.C. § 121, the inventions must be independent or distinct. Second, there must be a "serious burden" on the examiner to justify the restriction. M.P.E.P. § 803. The M.P.E.P. further states that a serious burden may be *prima facie* shown "if the examiner shows by appropriate explanation either separate classification, separate status in the art, or a different field of search as defined in MPEP § 802.02." On the other hand, "[i]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions." M.P.E.P. § 803. In this case, the *prima facie* showing of a serious burden has not been met.

Moreover, requiring Applicants to dismember the application into multiple separate applications to obtain patent coverage for the entire scope of their invention would impose upon Applicants a very serious burden. In addition to the extraordinary cost of prosecuting and maintaining 22 separate patents, the examination of the remaining groups would be delayed, thereby shortening the patent term.

Applicants respectfully request the restriction requirement be withdrawn.

Respectfully submitted,

BANNER & WITCOFF, LTD.

Dated: July 31, 2006

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